



Response of Good Shepherd Australia New Zealand to Family Violence and Commonwealth Laws Issues Paper 37 - Immigration

Submission Paper
April 2011

Further information

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1. Introduction and capacity to comment

Good Shepherd Australia New Zealand welcomes the opportunity to comment on the Discussion Paper on Family Violence and Commonwealth Laws on the Issue of Immigration. Good Shepherd Australia New Zealand is the organisation managing the ministries and works of the Sisters of the Good Shepherd in Australia and New Zealand, a Catholic order of nuns. Our mission is to promote a world of justice and peaceful co-existence, and to enable people of all cultural, religious and social backgrounds to enjoy the fullness of life that is the right of every human being.

Each year we support tens of thousands of women, families and young people across Australia and the Asia-Pacific region. Our top priority is a commitment to women and Indigenous persons as the most marginalised and economically disadvantaged groups in society. Within this service area we run programs for vulnerable women, children, refugees, Indigenous Australians, trafficking victims, and survivors of domestic violence. This practical experience enables us to comment on measures to ensure the centrality of the safety and wellbeing of women and children in the administration of the law.

We believe that action is required across the continuum of care from prevention through crisis and post-crisis intervention to support victims of family violence, and to deter such behaviour in Australia. To that end, we believe the following principles should underpin proposed reform:

- Appreciation that family violence laws and regulations are designed and implemented with the safety of women and children as their primary concern;
- Recognition of obligations to uphold international treaties, as well as principles of human rights and natural justice;
- Acknowledging a continuum of care and support from prevention through crisis and post-crisis intervention for women and children facing family violence;
- Defining family violence to include emotional, psychological and economic abuse;
- Recognition of the impact on children of family violence in the context of uncertain immigration status;



- Providing community education and capacity-building to increase identification and reporting of family violence;
- Expansion of the family violence visa exception to include fiancée visas and de facto marriage relationships regardless of visa;
- Focusing on content of evidence of family violence rather than procedural formalities;
- Broadening of evidentiary avenues for non-judicially determined claims of family violence;
- Standardising education of ‘competent persons’ presenting evidence on family violence;
- Limiting re-traumatisation by avoiding repetition of reporting of family violence;
- Appreciating that a commitment to natural justice necessitates processes of appeal and reasoned, written decisions on family violence visa applications;
- Preventative bilateral background check and educational information exchange between sponsors and applicants for sponsorship;
- Increasing family violence court and immigration information exchange;
- Recognition that state sanctioning of family violence is a human right’s violation;
- Codifying a definition of persecution as serious harm coupled with an absence of state protection.

Comments on reforming the partner visa scheme ‘family violence exception’ and application of family violence issues to refugee law are detailed in the body of this paper, and a reference table of Good Shepherd’s answers to the questions in the Issues Paper is provided below.

Effects on Children	Good Shepherd underscores the stressful effect of immigration status on already-vulnerable children confronting family violence.
Question 1	Good Shepherd finds the phrase ‘relevant family violence’ confusing, and recommends using the term ‘family violence,’ along with adoption of a broader definition of family violence that includes emotional, psychological, and economic abuse.
Question 2	Yes, Good Shepherd recommends amending the Migration Regulations 1994 for conformity and to improve ease of evidence collection and



	systemic information sharing for family violence victims.
Question 3	Yes, Good Shepherd recommends expansion of the exception to presume a family relationship for a spousal or fiancée visa, and to allow evidence to prove a family relationship for other visas to best uphold the spirit of the family violence exception.
Question 4	Yes, Good Shepherd recommends expansion of the exception to former and current visa holders to uphold the right of women to effectively utilise the exception.
Question 5	Good Shepherd finds that many language, cultural, education and confidence barriers prevent immigrant women from pursuing judicially determined claims of family violence, and recommends a streamlined two-tier approach for women presenting evidence of family violence.
Question 6	Yes, Good Shepherd sees merit in protection orders as sufficient evidence of family violence, when coupled with consideration of a variety of submissible evidence in the absence of a protection order.
Question 7	Yes, Good Shepherd strongly believes it is not good practice nor useful for competent persons to pass judgment on the state of mind of a victim of family violence, or to name a potential perpetrator, and nor is it befitting the spirit of the exception for competent person statements to be narrowly interpreted.
Question 8	Yes, Good Shepherd believes that lessening the impact of minor errors or omissions to evidence of a competent person is important to uphold the right of women to effectively utilise the domestic violence immigration exception.
Question 9	No, Good Shepherd strongly believes it is not good practice nor useful for competent persons to name a potential perpetrator of family violence.

Question 10	Good Shepherd recommends basic informational materials be provided to all persons before they are able to be registered and give evidence as competent persons.
Question 11	Good Shepherd underscores that natural justice requires: (a) Yes, decision makers should give reasons for referring a matter to independent experts; (b) For conformity and ease of administration, independent experts should also be registered as competent persons; (c) Yes, independent experts should provide written and reasoned opinions for their decisions.
Question 12	Yes, Good Shepherd sees the need to uphold natural justice through opportunity for appeal and review of decisions by independent experts.
Question 13	Good Shepherd recommends a streamlined two-tier approach for women presenting evidence of family violence, such that non-judicially-determined claims of family violence are decided from a set list of evidence, including items such as competent person statements.
Question 14	Yes, Good Shepherd believes minimisation of victims recounting their experiences of family abuse is important to avoid re-traumatisation, and to that end recommends both (a) allowing victims to directly seek opinion of an independent expert, (b) binding a Migration Review Tribunal by an existing independent expert's opinion obtained by the primary decision maker, and additional safety measures commensurate with best practice in other courts.
Question 15	Yes, Good Shepherd believes definitions of family violence are better placed in the Migration Act of 1958 instead of the Regulations to emphasise the importance of safeguarding victims of family violence.
Question 16	Yes, Good Shepherd believes Federal regulation of international marriage brokering, and equalising background, psychological and character assessment requirements for both marriage and fiancé visa



	sponsors and immigrants are key preventive mechanisms to reduce the incidence of immigrant women experiencing family violence.
Question 17	Yes, Good Shepherd strongly recommends informing prospective spouses, fiancées, and workers about a potential sponsor's past family violence history.
Question 18	Good Shepherd encourages inclusion of MRT and DIAC where service providers and government agencies are collaborating to share information and support victims of family violence.
Question 19	Yes, Good Shepherd recommends inclusion of immigration officers in any family violence national registry or governmental information-sharing framework.
Question 20	Good Shepherd recommends consideration of barriers unique to immigrant access to and engagement in systems of justice when reforming processes of information and decision maker sharing.
Question 21	Good Shepherd recommends codification of Justice Kirby's formula of persecution to balance protection of victims of family violence with prevention of overuse of the exception for refugees.
Question 22	Yes, Good Shepherd finds that legislative reforms are necessary and supports the Migration Amendment Bill 2009 to protect victims of family violence owed <i>non-refoulement</i> obligations, and whose claims the relevant United Nations Convention may not cover.
Future Direction	Good Shepherd recommends that in addition to improving the rights of victims to utilise the family violence exception, there be consideration of how victims are able to work, live and otherwise function once they remain in Australia.

2. Reforming the Partner Visa Scheme Family Violence Exception

Victoria's Family Violence Prevention Act of 2008 includes a clear statement of principles and values in its preamble applicable to any family violence legislation. These principles are equally applicable regarding a national response to women facing immigration issues in addition to family violence in Australia. A few overarching principles are that:

- (1) family violence is a fundamental violation of human rights;
- (2) family violence is not acceptable in any community or culture;
- (3) in responding to family violence and promoting safety, the justice system should treat victims with respect;
- (4) family violence is predominately committed by men against women and children;
- (5) children exposed to family violence are particularly vulnerable, and exposure may have a serious impact on their current and future physical, psychological and emotional wellbeing;
- (6) family violence affects the entire community;
- (7) family violence extends beyond physical and sexual violence and may involve emotional, psychological and economic abuse;
- (8) family violence may be overt or subtle, and may consist of isolated incidents or patterns of abuse over a period of time.

These issues impact on many women across Australia. In our most recent newsletter, Good Shepherd outlines the story of a client who has faced family violence and immigration issues:

'Lela has a tertiary degree that could have admitted her into any number of professional, well paid jobs had she been able to stay in her country of birth, but she doesn't have such a job and has never had one. Her latest low-income job is making sandwiches. She now lives in public housing, but once owned a house outright. She has moved dozens of times as an adult. She has had multiple miscarriages and lost custody of her living



children from two violent marriages. These marriages were arranged for her by her family: one occurred in her country of birth, and she was tricked into the other shortly after migrating to Australia, a journey taken to escape the opprobrium of her family for divorcing her first abusive husband. She is in her 40s' (Healey 2011).

Lela's case is one example of a victim of family violence who came to Australia seeking a better life and a safe relationship, only to be further victimised by her new husband and subsequently struggle to survive, losing even custody of her children. Good Shepherd believes with a stronger support safeguard, including through legislation and legal frameworks, women like Lela can be better vetted before emigrating to enter into an abusive relationship in Australia, and better served and supported once here (Desmond 2011).

Effects on Children

What is missing, and yet vitally important, regarding the questions in this submission paper is the impact on children of family violence in the context of immigration status of women. A large body of research cites the effects of family violence on children, and the increase in incidence of child abuse in homes with family violence (Noseda 2008). To illustrate the scale of this problem, in 2007-08 the national Women's Domestic Violence Crisis Service alone provided support accommodation to 691 women and their accompanied 799 children for 1401 nights, and an additional 543 women and 532 children were accommodated in motels (Noseda 2008).

'The presence of violence has a highly detrimental impact on the developing child and a growing body of evidence has documented the particular vulnerability of infants. Alongside the act of physical violence, an additional element of intra-familial toxicity is emotional violence - humiliation, coercion, degradation, and the threat of abandonment or physical assault.' (Miller 2007).

Additionally, family violence is the most common cause of homelessness for women (Healey citing McFerran in Parity Vol. 22, Issue 10), and the number of families with children entering homeless shelters increased by 17% between 2001 and 2006 (Chamblerlain 2008). After family violence, housing affordability and lack of job prospects were cited as the next most-common



reasons for family homelessness (Chamberlain 2008). While certainly not all children in homes with family violence confront homelessness, many do. A common problem facing women and families with immigration issues are housing organisations using visa requirements as eligibility criteria restricting housing opportunities (Kelly 2004).

Family violence is linked to many other social issues that cost the community, including substance abuse, mental illness, poverty, and crime (Prevention 2008). Family violence is responsible for about 25 per cent of recorded assaults in Victoria, and most victims are women and children who have previously come to police attention (Victorian Police Code of Practice 2010). Additionally, important parallels can be drawn between homeless families, and children and families facing uncertain immigration status. One 15-year-old child said,

'You know you've got that job to do: to protect your Mum. And that's all you think about and you stress that she's gonna get hurt if you're not around, so it's hard to calm down even when there're people around to help. It takes ages to get comfortable again... They have to include you, you know, let you know what's happening.' (Moore 2008)

Children of women with uncertain immigration statuses face even more challenges. For example, some issues arising for children from a lack of stable housing and immigration status include:

- (1) Emotional and behavioural problems such as sleep, eating, aggression, anxiety, depression, grief and self-harm issues;
- (2) Learning difficulties, disrupted schooling impact on literacy, numeracy, socialisation, self-esteem, health and well-being;
- (3) Medical problems including higher rates of acute and chronic illnesses, asthma, ear and skin issues, and developmental delays (Wright-Howie 2008).

One mother said, 'My son became very stand offish with family and friends, his behaviour changed, he was more disobedient. His routine was completely changed and it did change him for the worse' (Hamilton 2008).



Good Shepherd underscores the stressful effect of immigration status on already-vulnerable children confronting family violence.

Question 1: Defining 'relevant family violence'

In line with an expanded definition of family violence and the removal of the confusing use of the word 'relevant' as recommended by the Commission, sociology research defines coercive and controlling violence as 'a pattern of control and domination by the perpetrator including various degrees of fear, intimidation and submission through physical violence, threats to self and loved ones and one of more of the following:

- (1) verbal and emotional abuse;
- (2) attacks on self esteem;
- (3) insistence on sole-authoritarian multiple domains: social, financial, child-rearing, etc.;
- (4) isolation and restriction of outside contacts;
- (5) use of legal disputes to harass and punish;
- (6) sexual coercion and rape' (Tinning 2010).

An expansion of the definition of family violence to encompass emotional, psychological and economic abuse is required. For example, male on female economic abuse is the most common situation encountered by Kildonian [UnitingCare] financial counsellors. One worker noted that, 'In a focus group for abused women, eight out of ten were not allowed to buy sanitary napkins for themselves.' Further, abusing partners who withhold money tend to use it in negotiations, such as men demanding sex from female partners in return for money to meet children's needs' (Fraser 2011).

This proposed change of legislation for immigrant women victims of family violence presents an opportunity for adoption of a best practice definition of family violence, and to promote consistency of definitions nationally. Good Shepherd (Family Violence Consultation 2011) joins



with Women's Legal Service Victoria and a group of family violence service providers in Victoria to endorse this expanded definition of family violence (Walker-Nthenda 2011 and Atmore 2011).

Good Shepherd finds the phrase 'relevant family violence' confusing, and recommends using the term 'family violence,' along with adoption of a broader definition of family violence that includes emotional, psychological, and economic abuse.

Question 2: Amending Migration Regulations 1994 for conformity

Good Shepherd recommends amending the Migration Regulations 1994 for conformity and to improve ease of evidence collection and systemic information sharing for family violence victims.

Question 3: Expansion to cover other visa categories

Marriage looks different in different cultures, and a more accurate, broader definition of marriage encompasses religious and cultural marriages in addition to traditional legal and de facto definitions (Forced Marriage submission 2011). For example, Victorian legislation defines 'family member' much more broadly than the federal Family Law Act of 1975 to include a person the relevant person reasonably regards as like a family member:

- (1) whether living together or not;
- (2) including cultural recognition as being like family in the community;
- (3) including financial or other dependence or interdependence between people;
- (4) including the provision of responsibility or care, paid or unpaid between people.

Interviews with the Immigrant Women Domestic Violence Services of Victoria confirm the view that women are often unaware of or tricked into a specific visa in order for the male to control them. For example, one woman was on a student visa and entered the sex industry to support



herself. A customer said he would help her get a permanent visa and instead put her on a visitor's visa and abused her (CLEO 2011). Workers also cited cases of a single man sponsoring multiple women on fiancée visas, then refusing to marry them to control them to stay in the country, knowing culturally they often could not safely return home without family reprisal for leaving a marriage.

A Migrant Resource Centre Manager stated that it was important for immigration officials to, 'Keep an eye on employers who bring over a lot of women on work visas. They often keep them as wives, slaves or forced labour, and tell them if they speak up they'll be arrested' (Good Shepherd Forced Marriage Submission 2011). Immigrant Domestic Violence professionals reported that women were most often victims of family violence on Dependent 457, fiancée, student, and spousal visas (Good Shepherd Forced Marriage Submission 2011). A workable framework suggested is to presume a family relationship if a woman is on a spousal or fiancée visa, and to allow her to submit evidence fitting the definition of violence from a family member if she is on another visa. An alternative is similar to the Canadian system of utilising humanitarian and compassionate grounds of family violence to apply for a permanent visa, no matter the visa the applicant is currently on (CLEO 2011).

Good Shepherd recommends expansion of the exception to presume a family relationship for a spousal or fiancée visa, and to allow evidence to prove a family relationship for other visas to best uphold the spirit of the family violence exception.

Question 4: Retroactive application of expansion to cover other categories

Poverty, isolation and intergenerational trauma impact immigrant and refugee women and children prior to and upon settling in Australia. They face additional barriers to accessing services because of language, community expectations of the role of women, and 'concerns that reporting family violence may affect their right to residency, amongst other things' (Domestic violence laws 2009). McAuley Community Services for Women shared a case study of a client in April of 2011 illustrating the importance of retroactive expansion to cover other visa categories, in this instance, a bridging visa for a spousal visa:



'A woman of Asian descent recently resided at our crisis accommodation. She and a son came to Australia 11 months ago after a citizen 25 years her senior initiated a relationship while on holiday overseas, and has since married and given birth to the citizen's baby. At the time of arrival to our accommodation, the baby was three weeks old. The seven-year-old told staff that the husband locked the mother out of the house and forced her to sleep outside; yelled at him, his baby brother and mother, and that there was often no food in the house. **The mother was in such a fear of being deported, she believed staying in this abusive relationship was her only option.** Her husband made constant threats to 'send her back.' Numerous times she approached workers wanting to go 'back' as a result of this fear, and **numerous times the seven-year-old boy sat up crying all night, begging his mother not to go back.**

She was attentive, caring and loving towards her children, but her fear seemed so intense that she ultimately believed staying in the relationship was a better option compared to living overseas. The family returned home. The police issued an intervention order, and the husband was given bail. The seven-year-old told workers how heartbroken he was. The fear of deportation was too great. **The Department of Immigration and Citizenship, when contacted, stated that the woman was not eligible for any other visa, despite the family violence and could be deported in 30 days if she left her husband.'** (2011).

This story and numerous others like it illustrate the importance of upholding human rights obligations by allowing former and current fiancée and other visa holders who are victims of family violence to remain safe and supported in Australia.

Good Shepherd recommends expansion of the exception to former and current visa holders to uphold the right of women to effectively utilise the exception.

Question 5: Barriers of judicially determined claims of family violence

There are many obstacles for immigrant and refugee women to overcome in accessing information, support services and the legal system, including:

- (1) Lack of access to information;



- (2) Little knowledge of services;
- (3) Communication difficulties;
- (4) Fear of not being understood;
- (5) Fear of authority particularly on the part of women from corrupt or oppressive regimes;
- (6) Social isolation, especially where there are marked language and cultural differences between Australia and their country of origin and especially where domestic violence is a factor;
- (7) Reluctance to use services such as counselling because of misunderstandings of what counselling offers based on their experiences with services or lack of such services in their country of origin;
- (8) Socialisation to place greater value on keeping family together no matter what;
- (9) Fear of being judged and blamed;
- (10) Discriminatory or insensitive work practices by service providers;
- (11) Fear of losing children if a complaint is lodged;
- (12) Fear of bringing shame and dishonour to family;
- (13) Fear of being judged by family and community;
- (14) Fear of deportation;
- (15) A lack of multilingual and culturally appropriate information about legal entitlements and processes;
- (16) A lack of appropriate outreach programs by service providers;
- (17) Intimidating nature of court proceedings
- (18) Perceptions, experiences and expectations of the legal and administrative system in Australia, which many women are fearful, cynical and expect corruption of. (Aldunate 1999)

As a case example:

'One from a Southeast Asian country was routinely beaten by her husband, including being kicked in the stomach when she was seven months pregnant. When she threatened to go to the police, her husband told her that as he was an Australian resident and she was not, the law allowed him to treat her however he wanted to and that he could even kill her without committing any offence. When she sought help from friends in her community, she was



advised to be a better wife and not to embarrass the community by making trouble for her husband.' (Aldunate 1999).

First, women need to understand their rights, and second they need to overcome barriers to reporting. The combination of these may then ultimately lead to judicially determined claims. To facilitate reporting, Victorian Police have identified the following strategies for creating greater confidence amongst diverse community members to encourage reporting:

- (1) Overcoming communication barriers;
- (2) Building awareness of the issue amongst communities;
- (3) Education and cultural awareness programs for service providers and police;
- (4) Building capacity of support services to respond;
- (5) Establishing community, government and service provider partnerships and increased communication;
- (6) Developing culturally relevant responses;
- (7) Appropriate resource deployment. (Prevention policing strategy 2008)

Removal of any barriers to disclosure to police and to family courts can increase incidence of judicially determined claims and decrease violence, as well as decrease allocated resources for reacting to violence. Current family law legislation presents another barrier. For example, Victoria effectively discourages mothers from admitting family violence has occurred so that they are not characterised as an 'unfriendly parent' when determining parenting time (Walker-Nthenda 2011).

Given the extreme barriers immigrant women face in reporting family violence, Good Shepherd recommends a two-tier approach to determining sufficiency of evidence. As a model, the United Kingdom has a website available in a variety of languages clearly outlining immigrant women's rights and laws impacting them (Women's Aid 2011). Laws in the United Kingdom take a two-tiered approach to evidence on family violence. First, clear proof of a protection order, court



conviction, or full details of a police caution are sufficient evidence. In lieu of those, the woman may submit two or more of the following:

- (1) A letter from a refuge organisation or other domestic violence service confirming your experience of domestic violence;
- (2) A medical report from a hospital doctor confirming that you have injuries consistent with being the victim of domestic violence;
- (3) A letter from a GP who has examined you and is satisfied you have injuries consistent with being the victim of domestic violence;
- (4) An undertaking given to a court that your abuser will not approach you;
- (5) A police report confirming their attendance at your home due to domestic violence;
- (6) A letter from social services confirming their involvement in connection with domestic violence. (Women's Aid 2011)

Similarly in Australia, a family violence protection order alone could be construed as sufficient evidence of a family violence claim. And in lieu of an order, a similar list of alternatives and testimonials from competent persons could be developed into a simple list for women to assemble and present before a decision maker.

Good Shepherd finds that many language, cultural, education and confidence barriers prevent immigrant women from pursuing judicially determined claims of family violence, and recommends a streamlined two-tier approach for women presenting evidence of family violence.

Question 6: Family violence protection order after separation is sufficient evidence

Good Shepherd agrees with the streamlining of evidence such that a family violence prevention order is considered sufficient evidence of family violence. In addition, Good Shepherd finds it more helpful to recognise the complicated barriers facing immigrant victims of family violence, so that without a valid protection order, all evidence of family violence be included in proceedings (Walker-Nthenda 2011).

It is also important to recognise that legislation in different states outlines different criteria for judges to award protection orders, and which family members who are covered under family



violence law differ as well. These inherent inconsistencies in granting protection orders, coupled with the advantages of a collection of evidence for decision-makers to consider provides a fuller picture of past, present and potential for future abuse than any one protection order alone. This is also consistent with a broader and best practice definition of family violence as a pattern of behaviour of abuse.

Good Shepherd sees merit in protection orders as sufficient evidence of family violence, when coupled with consideration of a variety of submissible evidence in the absence of a protection order.

Question 7: Broadening statutory definition of competent persons

Good Shepherd recommends the addition of the following professions to the list of competent persons:

- (1) Teachers, and especially English as a Second Language teachers;
- (2) Migrant Resource Centre and settlement professionals;
- (3) Community development workers;
- (4) Lawyers.

Good Shepherd also strongly believes it is not good practice nor useful for competent persons to pass judgment on the state of mind of a victim of family violence. It is important that the competent person make a statement indicating in their opinion that a woman is a victim of family violence. Good Shepherd also believes it is not good practice for the competent person to name the person who has committed the violence, except insofar as the victim has relayed a name to the competent person or the competent person has been witness to behaviour of the named person that supports such a claim. It is counter to professional training for competent persons to make assumptions rather than be descriptive and accurate of what they have seen firsthand and heard from the victim.

Strict interpretation of competent person statements does not fit the spirit of promotion of human rights and safety for victims of family violence.



Good Shepherd strongly believes it is not good practice nor useful for competent persons to pass judgment on the state of mind of a victim of family violence, to name a potential perpetrator, nor is it befitting the spirit of the exception for competent person statements to be strictly interpreted.

Question 8: Lessening impact of minor errors or omissions to evidence of competent person

In order for a right to have an effective remedy, knowledge of the right must be coupled with the capacity and confidence to exercise the right. Immigrant women face numerous barriers to reaching the stage of presenting evidence of family violence. Furthermore, the competent persons often do not know nor have resources to submit evidence free of errors or omissions. A caseworker at a domestic violence shelter said of her organisation's first instance acting as a competent person:

'I had to allocate a worker to the case just to fill out the forms and research appropriate laws to cite, instead of the family violence definitions we are used to in Victoria. I wonder why we don't get more of these cases, but it was so much work, it's just as well we don't. We can't afford it.' (Berry Street 2011).

Given the workload and limited legal of expertise many competent persons face, lessening impact of errors or omissions is important to keep women and children safe and afford them their right to utilise the remedy the domestic violence immigration exception was designed to supply.

Good Shepherd believes that lessening the impact of minor errors or omissions to evidence of a competent person is important to uphold the right of women to effectively utilise the domestic violence immigration exception.

Question 9: Inappropriateness of competent persons testifying who committed abuse

As mentioned above, Good Shepherd believes it is not good practice for the competent person to name the person who has committed the violence, except insofar as the victim has relayed a name to the competent person or the competent person has been witness to behaviour of the named person that supports such a claim. It is counter to professional training for competent persons to make assumptions rather than be descriptive and accurate of what they have seen firsthand and heard from the victim.

Good Shepherd strongly believes it is not good practice nor useful for competent persons to name a potential perpetrator of family violence.

Question 10: Training competent persons

The police, domestic violence services, the Department of Human Services, legal aid, and other government departments and organisations have separate and often overlapping trainings on family violence. However, to ensure competent persons all have some standardised training, Good Shepherd recommends a simple registration scheme whereby individuals and entire organisations and government departments are provided basic informational materials about family violence, for which they sign off they have received and read. These materials can be utilised in statements and other evidence competent persons subsequently give. To cut down on monitoring, once registered, the competent persons could be required to re-register every few years, and not re-register every time they act as competent persons.

Good Shepherd recommends basic informational materials be provided to all persons before they are able to be registered and give evidence as competent persons.

Question 11: Regulation of independent experts

Natural justice is the foundation of basic requirements of procedural fairness underpinning our legal system, and requires: a hearing appropriate to the circumstances, a lack of bias in a



decision maker, evidence to support a decision, and opportunity for appeal when a decision is disputed (Ombudsman 2008).

Good Shepherd underscores that natural justice requires: (a) decision makers should give reasons for referring a matter to independent experts; (b) for conformity and ease of administration, independent experts should also be registered as competent persons; (c) independent experts should provide written and reasoned opinions for their decisions.

Question 12: Reviewing independent expert decisions

As defined above, natural justice also requires opportunity for appeal and review of decisions. The Migration Appeals Tribunal and the Social Security Appeals Tribunal offer models in implementing a fair appeals process for reviewing decisions of independent experts.

Good Shepherd sees the need to uphold natural justice through opportunity for appeal and review of decisions by independent experts.

Question 13: Evidentiary barriers of non-judicially determined claims

Echoing **Question 5**, Good Shepherd recommends a two-tier approach to determining sufficiency of evidence. As a model, the United Kingdom has a website available in a variety of languages clearly outlining immigrant women's rights and laws impacting them (Women's Aid 2011). Laws in the United Kingdom take a two-tiered approach to evidence on family violence. First, clear proof of a protection order, court conviction, or full details of a police caution are sufficient evidence. In lieu of those, the woman may submit two or more of the following:

- (1) A letter from a refuge organisation or other domestic violence service confirming your experience of domestic violence;
- (2) A medical report from a hospital doctor confirming that you have injuries consistent with being the victim of domestic violence;



- (3) A letter from a GP who has examined you and is satisfied you have injuries consistent with being the victim of domestic violence;
- (4) An undertaking given to a court that your abuser will not approach you;
- (5) A police report confirming their attendance at your home due to domestic violence;
- (6) A letter from social services confirming their involvement in connection with domestic violence. (Women's Aid 2011)

Similarly in Australia, a family violence protection order alone could be construed as sufficient evidence of a family violence claim. And in lieu of an order, a similar list of alternatives and testimonials from competent persons could be developed into a simple list for women to assemble and present before a decision maker.

Good Shepherd recommends a streamlined two-tier approach for women presenting evidence of family violence, such that non-judicially-determined claims of family violence are decided from a set list of evidence, including items such as competent person statements.

Question 14: Streamlining evidentiary processes for migrants

Immigrant Women's Domestic Violence professionals cite numerous instances of already vulnerable and suffering immigrant and refugee women who face systemic re-traumatisation through repetition of their abuse to different tribunals and professionals. In other court systems, family violence witnesses are afforded further alternatives to standard court testimony and questioning, including by closed-circuit television and a lack of repeated questioning. (Good Shepherd Criminal Justice Response to Slavery and Trafficking)

Good Shepherd believes minimisation of victims recounting their experiences of family abuse is important to avoid re-traumatisation, and to that end recommends both (a) allowing victims to directly seek opinion of an independent expert, (b) binding a Migration Review Tribunal by an existing independent expert's opinion obtained by the primary decision maker, and additional safety measures commensurate with best practice in other courts.

Question 15: Definitions in Migration Act of 1958 instead of Regulations

To emphasise the importance of the protection of family violence victims, the complexity of the relationship between family violence and immigration law (Good Shepherd Forced Marriage Submission 2011), and serve the spirit of upholding human rights, the definitions are better placed in the Act instead of the Regulations.

Good Shepherd believes definitions of family violence are better placed in the Migration Act of 1958 instead of the Regulations to emphasise the importance of safeguarding victims of family violence.

Question 16: Importance of sponsor police checks

Over 42,000 visas were granted for partners to enter Australia in 2008-09 (Schloenhardt 2009). Many of these partners met through international marriage brokering agencies, mostly operating on the internet. Further, 'there were no defined standards of service within the industry, nor appropriate information disclosure mechanisms. (CLEO 2009)

'Men often have a history of domestic violence with previous partners. I've personally encountered five women brought over by the same man on fiancée visas.' (Migrant Resource Centre Worker Interview 2011)

It is of further concern that many websites perpetuate servile stereotypes. Russianbrides.com.au states that 'Russian women expect their man to be the head of the family. Over-independence and feminism have not spoiled their belief in traditional family values' (2011). Another website claims, 'Unless [Asian girls] are able to marry a western man, they know all too well that their future is bleak. Asian girls are very passive and polite, they possess charm and are extremely attentive to their husband' (Asian Wife 2011)

To address similar concerns, in 2005 the United States amended the Violence Against Women Act to regulate international marriage brokering, enacting the International Mail Order Bride Enforcement Act, or IMBRA. The Act:



- (1) Requires the broker do the following before contact information can be exchanged:
 - a. Send a foreign national client the following information about a United States client:
 - i. Sex offender registry records, any national, state or local arrest records, temporary or permanent civil protection or restraining orders, engagement in prostitution services, marital history records, ages of client's children under 18, and a client affidavit;
 - ii. All information must be in the foreign national's primary language; and
 - b. Send a foreign national client a government-prepared pamphlet of legal rights and resources available to United States immigrant victims of domestic violence and other crimes; and
 - c. Obtain a foreign national client's signed, written consent that the foreign national client has received the above information and authorises releasing contact information to the United States client;
- (2) Defines 'international marriage broker' as an entity based in or outside the United States that charges fees for providing matchmaking services or social referrals between United States citizens or permanent residents and foreign nationals;
- (3) Ensures compliance through:
 - a. Specific criminal offence for misuse of information with a penalty of a fine and up to 1 year imprisonment;
 - b. Specific civil penalties of not less than \$5000 and not more than \$25000 for each violation;
- (4) Excludes nonprofit 'traditional matchmaking organisation[s] of a cultural or religious nature' and dating services whose principal business is not international.

Recommendations in Canada and the United Kingdom suggest enactment of a similar law there, because 'consumer husbands hold all the power in the marriage transaction and demand that they are happy with the terms of their purchase' (Stepnitz 2009).

Current Australian policy requires an immigrant to have a clear criminal background check, psychological report and character test (Brock 2009). Professionals in Australia working with domestic violence victims ask why the sponsoring men are not required to reciprocally undergo

the same checks and send the information to their potential partners (Immigrant Women's DV Service 2011). Both sponsors and potential partners deserve complete explanations of the rights and expectations in marriage in Australia, legal definitions and consequences of forced and servile marriage, trafficking, family violence and other related crimes, and an increased peace of mind in the background and character of one another.

To further Australia's commitment to protecting victims of family violence, and also prevent potential perpetrators from sponsoring partners, it is important to create a more effective filter. The majority of the cost would be placed on mail-order consumers and brokerages, as the government would only need to periodically ensure brokers are in compliance.

Good Shepherd believes Federal regulation of international marriage brokering, and equalising background, psychological and character assessment requirements for both marriage and fiancé visa sponsors and immigrants are key preventive mechanisms to reduce the incidence of immigrant women experiencing family violence.

Question 17: Informing prospective spouse about sponsor's past family violence history

Following the information outlined in **Question 16**, the Good Shepherd strongly recommends informing prospective spouses, fiancés, and workers about a potential sponsor's past family violence history.

Good Shepherd strongly recommends informing prospective spouses, fiancées, and workers about a potential sponsor's past family violence history.

Question 18: Improving migration decision maker access to family violence court information

One of the desired outcomes of the Australasian policing strategy of 2008 in response to domestic violence is 'Removal of existing barriers to information sharing between police and other agencies.' To this end, five actions are identified:



- (1) Develop a shared understanding of roles and responsibilities;
- (2) Establish and facilitate information sharing practices and protocols between local police and service providers;
- (3) Identify and mitigate communication risks;
- (4) Identify and resolve issues where privacy legislation impedes information sharing;
- (5) Identify and resolve issues where information technology systems impede information sharing. (Prevention 2008)

Where service providers and government agencies such as police and Human Services are collaborating to share information and support victims of family violence, Good Shepherd similarly encourages inclusion of MRT and DIAC officials.

Good Shepherd encourages inclusion of MRT and DIAC where service providers and government agencies are collaborating to share information and support victims of family violence.

Question 19: Access to a proposed national register of family violence court information

Numerous reports urge that all efforts be made to achieve corresponding jurisdictions so that federal, state and territory courts responding to family violence issues expand their jurisdiction and information sharing of evidence toward implementation of the ‘one court’ concept. The consensus seems to be that the national register has not been pursued solely due to differences in state legislation (Domestic violence laws 2009).

Whether through a ‘one court model’ or a proposed national register, Good Shepherd underscores the importance of including immigration officers in the final information-sharing model. This is befitting the overarching goal of enhancing protection of victims of family violence and improving access to justice by avoiding personal and financial impacts of repeated proceedings and repetition of facts and stories in different courts and tribunals (Atmore 2011).



Good Shepherd recommends inclusion of immigration officers in any family violence national registry or governmental information-sharing framework.

Question 20: Additional reforms to improve decision maker and court information sharing

A series of reports on immigrant access to justice ascertained the following concerns for immigrant women confronting family violence to know their rights and feel comfortable to report abuse and access support services:

- (1) lack of fluency of spoken English;
 - (2) lack of literacy in English and inability to access written materials;
 - (3) unavailability of written materials in some languages, and lack of literacy in those;
 - (4) over-reliance on community members for information;
 - (5) reliance on children for information;
 - (6) high support needs and unrealistic expectations of service providers;
 - (7) reluctance to seek help for family and personal issues and instead rely on cultural and community processes;
 - (8) lack of understanding of legal remedies;
 - (9) lack of understanding of police powers;
 - (10) distrust of government institutions intruding in the family;
 - (11) targeting information at women and not the whole community;
 - (12) support for men;
 - (13) government and service providers partnering with settlement workers.
- (Dimopoulos 2010)

Some case examples Good Shepherd has found to illustrate these concerns include:

'A Chinese woman started her own business, and her husband put all the papers and savings in his name. Then he held her captive and threatened to shame her and send her home because she was on a temporary spousal visa.' (Migrant Resource Centre Worker 2011)

'One man said he would sponsor a young Malaysian student and put her on a fiancé visa, but instead got her a visitor's visa and abused her and threatened to deport her.'
(Immigrant Domestic Violence Worker 2011)

'Often women don't believe they have a right because they are so battered and disempowered, or culturally don't have ownership over their own bodies. They don't understand the protection of Australian law.' (Migrant Resource Centre Manager 2011)

The series of reports also identified several factors that improved the levels of community knowledge of rights and laws, including:

- (1) a whole-community education approach;
- (2) utilising culturally-specific mediums and building local leader response capacity;
- (3) advocating for change to support women safely staying inside the community;
- (4) trust and relationship-building (Dimopoulos 2010).

Similar to access and trust issues, immigrants and refugees are challenged to effectively navigate the immigration system in a second language and with guidance of professionals they do not always trust. Inclusion of their community, leaders, and embracing the principles above as far as possible in a holistic approach helps minimise systemic re-traumatisation and maximise system efficiency.

Good Shepherd recommends consideration of barriers unique to immigrant access to and engagement in systems of justice when reforming processes of information and decision maker sharing.

3. Reforming refugee law related to family violence

As the Honorable Maxine Morand, Minister for Women's Affairs said,

'Whatever form it takes, family violence is a fundamental violation of human rights and is unacceptable in any form, in any community and in any culture. It is everyone's responsibility to reject and prevent violence. We must develop better understanding, better



evidence and real culture change that recognizes and responds to each woman's situation.
(Morand 2010)

Under the United Nation's *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW), Australia has an international legal requirement to take: 'All appropriate measures [to] modify the social and cultural patterns of conduct of women and men, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for women and men'.

Canada is a model example of a human rights approach to refugee law related to family violence. No matter what their visa status, once inside the country, women can apply for a visa to remain in Canada on humanitarian and compassionate grounds, which specifically takes into account women who have left abusive partners. The application should include a history of abuse, including copies of reports from shelters, medical professionals, and the police if possible. She must be willing to act as a witness in a criminal trial. If a child is involved, the best interests of the child must be considered, and is a factor in showing how established she is in Canada.

In relation to refugees, the applicant also should detail customs and culture in her country, and the hardship she would face if she returns, including showing she cannot get protection from abuse in her home country because laws do not allow police to lay charges when men abuse their wives (CLEO 2009). This is a specific alternative system addressing concern expressed by Amnesty International informing this Issues Paper, that women be afforded an opportunity to seek refugee status on the basis that their country of origin either does not criminalise family violence, or does not pursue criminal sanctions when such laws are broken.

Question 21: Legislative changes to the Migration Act of 1958 to ensure safety of those seeking protection as victims of family violence in Australia

Good Shepherd believes when a country does not defend its citizens' personal integrity, the issue may reach a political proportion necessitating a human rights response to ensure safety of



victims of family violence seeking protection in Australia. Codification of Justice Kirby's formula, Persecution = Serious Harm + The Failure of State Protection strikes a balance between protection of victims and prevention of opening floodgates of potential claims for refuge.

Good Shepherd recommends codification of Justice Kirby's formula of persecution to balance protection of victims of family violence with prevention of overuse of the exception for refugees.

Question 22: Necessity of legislative reforms to protect victims of family violence whose claims may not be covered by the UN Convention Relating to the Status of Refugees

Good Shepherd supports important amendments in the Migration Amendment (Complementary Protection) Bill 2011, including simplifying the application process, establishing a standardised, transparent and reviewable decision-making framework for granting applications under the Refugees Convention, and recognising the potential harm of sending immigrants back to their home countries. The following case illustrates the importance of this reform:

'An Iraqi woman was sent to marry her cousin here in Australia. Her mother in law made her hand wash all clothing for the family. The men were mechanics, and the clothes were oily and dirty. The woman's hands were chapped and bleeding, and she still had to clean house for 10 family members. She was not allowed to leave. After more than a year of this, she finally fled to sister. The mother in law and local community started harassing and threatening them. Her husband paid to send her back to Iraq. Luckily her legal aid lawyer here kept in touch with her, because her family in Iraq said if she didn't go back to the husband they'd kill her, and somehow the lawyer organised for her to come back. She never should've left Australia, because she knew her family would try to kill her for dishonour, but she didn't think the laws here would allow her stay.' (Immigrant Women's Domestic Violence Worker 2011)

Under current law, this woman is living in a 'catch 22.' She can either seek to stay in Australia, which is near impossible without a clever solicitor and overly compassionate decision maker and still ostracises her from her local community in Australia and presents many challenges for setting up a life, or she can return home where family and community pressure may realistically



result in her death. Amending the current law to support her petition to stay in Australia for safety is an important fulfilment of Australia's human rights non-refoulement obligations, and further exemplifies the best practice world standard on the issue currently set by Canada.

Good Shepherd finds that legislative reforms are necessary and supports the Migration Amendment Bill 2009 to protect victims of family violence owed *non-refoulement* obligations, and whose claims the relevant United Nations Convention may not cover.

4. Conclusion

It is estimated that without intervention, family violence against immigrant and refugee women will cost \$4 billion over the next 10 years in Australia, representing 26% of the total cost of violence in the country (Cost of violence 2009). The cost of any systems such as a creation of a national database of family violence, increased bilateral exchange of information between potential partners before immigration visas are granted, additional funding and training for services and more educational informational materials translated into a variety of languages surely pales in comparison to that monumental bill.

Even more important than the monetary cost of such abuse is that Australia upholds human rights principles and treaty obligations by supporting a continuum of care from prevention through crisis and post-crisis intervention responses to protect women and children within its borders, and prevent the entry of women into relationships with citizens and residents with histories of abuse.

Further, Good Shepherd underscores that while it is important for women to be able to utilise their right to the exception, the exception has no teeth if once a woman has applied for the exception she is not allowed to work, obtain housing, access childcare, attain education, or other basic life necessities. The following words from refugee women illustrate the importance of tackling these issues in a reform of the exception:

'I came to Australia for my future. I do not want to return to Somalia because of the war. I want to learn better English to teach my son. I watch television to learn English. I would like



to go to work [but my visa does not allow me to]. I like my work in Somalia. It is better to work with people every day.’ (Gregory 1993)

‘I separated from my husband. I took my children and left. I became homeless and lived for a while with people I knew. Very crowded, it was difficult with kids to be homeless. I lived in emergency and transitional housing until I moved to the public estate two years ago. I am isolated, and I can’t support my children in school. I cannot drive or take them anywhere. It’s hard to raise children in this situation. I sit at home without work or education, I am lost even now, and I have a lot of fear.’ (Benhadya 2010).

As one professional said, ‘Australia allowed these women to come, and we must take responsibility for them.’ (Immigrant Women’s Domestic Violence Worker, 2011). Good Shepherd’s recent collaborative ‘Filling the Gap’ post-crisis response research indicates the necessity of providing a range of support to ‘strengthen women’s capacity to consolidate and sustain the changes they made during the initial crisis period’ (2011).

Good Shepherd recommends that in addition to improving the rights of victims to utilise the family violence exception, there be consideration of how victims are able to work, live and otherwise function once they remain in Australia.

References

Aldunate, Raquel. 'Issues for women of non-english-speaking backgrounds' (18 March 1999) Immigrant Women's Support Service, presented at Domestic Violence Court Assistance Conference, Magnetic Island, available at www.iwss.org.au/public/papers/aldunate3.pdf, accessed on 11 April 2011.

'Asian Wife – Mail Order Brides Australia' www.hookmeup.com.au/n-asian-wife-mail-order-bride-australia.aspx?id=377, accessed on 11 February 2011.

Atmore, Chris and Eltringham, Libby. 'Joint Submission to Public Consultation: Family Law Amendment (Family Violence) Bill 2010 (January 2010) Federation of Community Legal Centres (Victoria), Domestic Violence Resource Centre Victoria, Domestic Violence Victoria, Women with Disabilities Victoria, Victorian Women's Trust, available at http://www.wdv.org.au/documents/Joint%20Submission%20on%20Family%20Law%20Amendment%20_Family%20Violence_%20Bill%202010.pdf, accessed on 10 April 2011.

Benhadya, Endalkatchew B. Gage. 'Sudanese scoping project: the needs of Sudanese refugees in the cities of Yarra and Brimbank' (August 2010), Good Shepherd Youth and Family Service, available at <http://www.goodshepvic.org.au/secure/downloadfile.asp?fileid=1005329>, accessed on 11 April 2011.

Brock, Jane. 'Border Control and Immigrant Brides in the Receiving Countries' (28 December 2009), available at <http://www.edm.iboninternational.org/component/content/article/378-globalization-issues/195-border-control-and-immigrant-brides-in-the-receiving-countries>, accessed on 9 February 2011.

Chamberlain, Chris and MacKenzie, David. 'Homelessness 2006' Parity, Homelessness and Children (September 2008) Vol. 21 Issue 8 p. 4-5.

'Code of practice for the investigation of family violence' Victorian Police (December 2010) 2nd Ed., available at http://www.police.vic.gov.au/retrievemedia.asp?Media_ID=464, accessed on 10 April 2011.

'The cost of violence against women and their children' (March 2009) The national council to



reduce violence against women and children, available at http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/economic_costs/Documents/VAWC_Economic_Report.PDF, accessed on 11 April 2011.

Dimopoulos, Maria. 'Implementing legal empowerment strategies to prevent domestic violence in new and emerging communities' (November 2010) Australian Domestic Violence Clearinghouse, Issues Paper 20.

'Domestic violence laws in Australia' (June 2009) The national council to reduce violence against women and their children, available at http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/domestic_violence_laws/Documents/Domestic%20Violence%20Laws%20in%20Australia%20-%20June%202009.pdf, accessed on 11 April 2011.

'Family Violence Protection Act of 2008' Victoria, www.legislation.vic.gov.au/Domino/Web_Notes/.../08-52a.pdf, accessed on 10 April 2011.

Fraser, Sue and Hunter, Jenny and Borrell, Jennifer. 'Financial abuse as encountered by Kildonian financial counsellors' Good Policy Newsletter of Good Shepherd Youth & Family Social Policy Research Unit (Autumn 2011) Vol. 7 No. 1. p. 10-11.

Good Shepherd Australia New Zealand 'Response to The Criminal Justice Response to Slavery and People Trafficking, Reparations, and Vulnerable Witness Protections' Submission Paper (March 2011).

Good Shepherd Australia New Zealand 'Response to Discussion Paper – Forced and Servile Marriage' Submission Paper (March 2011).

Good Shepherd Youth and Family Service 'Response to The Exposure Draft Family Law amendment (Family Violence) Bill 2010, Consultation paper' (January 2011).

Gregory, Esther. 'Taking a step towards employment, a report examining the situation of unemployed young women from refugee and non-English-speaking backgrounds' (1993) Ethnic youth issues network and Footscray youth housing group, p. 20.



Hamilton, Lorrinda and Le Brocq, Danielle and Griffiths, Renee and Massoud, Miranda and Byrne, Lauren. 'Homelessness and Children' Parity, Homelessness and Children (September 2008) Vol. 21 Issue 8 p. 12-13.

Healey, Lucy. 'Staving off poverty: women leaving domestic violence' Good Policy Newsletter of Good Shepherd Youth & Family Social Policy Research Unit (Autumn 2011) Vol. 7 No. 1. p. 2-3.

'Immigration Law and Family Violence Case Study April 2011' McAuley Community Services for Women, statement sent via email.

'Immigrant women and domestic violence' CLEO immigration and refugee fact sheet (January 2009) available at <http://www.cleo.on.ca/english/pub/onpub/PDF/immigration/immwomdv.pdf>, accessed on 11 April 2011.

Immigrant Women's Domestic Violence Service, Victoria. (18 February 2011). Interviewed by: Valerie Gaimon

Kelly, Eve. 'A new country but no place to call home, the experiences of refugees and asylum seekers in housing crisis and strategies for improved housing outcomes' (2004) Hanover Welfare Services, p. 16, available at https://www.hanover.org.au/component/option,com_docman/task,doc_download/gid,11/Itemid,9999999/, accessed on 10 April 2011.

Mandela, Nelson. 'Foreword' in World Health Organisation World Report on Violence and Health, Geneva: World Health Organization (2002), available at http://www.who.int/violence_injury_prevention/violence/world_report/en/introduction.pdf, accessed on 11 April 2011.

Desmond, Kathy and others. 'Filling the Gap, IPCR Service Model' Integrated post crisis response for women and children who have experienced domestic violence, Pre-print final (6 March 2011).

Miller, Robyn. 'Cumulative harm: a conceptual overview' Best interest series, every child every chance, Victorian government Department of Human Services (March 2007), quoting Perry. (2001) *Cumulative Harm Guide*, Department of Human Services, available at



http://www.dhs.vic.gov.au/office-for-children/cpmanual/Output%20files/Practice%20research/Output%20files/Execute/cumulative_harm_spg.pdf, accessed on 11 April 2011.

Moore, Tim and McArthur, Morag and Noble-Carr, Debbie. 'Too Important to Ignore: Children's Views on Homelessness' Parity, Homelessness and Children (September 2008) Vol. 21 Issue 8 p. 20-21.

Morand, Maxine. 'A right to safety and justice, strategic framework to guide continuing family violence reform in Victoria 2010-2020' (June 2010) Office of Women's Policy, available at http://www.dpcd.vic.gov.au/__data/assets/pdf_file/0011/50132/ARighttoSafetyandJustice.pdf, accessed on 11 April 2011.

Northern Domestic Violence Outreach, Berry Street, Victoria. (7 April 2011). Interviewed by: Valerie Gaimon

Noseda, Dr. Mary and Lay, Yvonne. 'Kids in Crisis' Parity, Homelessness and Children (September 2008) Vol. 21 Issue 8 p. 10-11.

'Ombudsman Western Australia guidelines Procedural fairness (natural justice) (August 2008) available at <http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Procedural-fairness-Guidelines-30409.pdf>, accessed on 11 April 2011.

Prevention and reduction of family violence November 2008 an Australasian policing strategy' available at http://www.police.vic.gov.au/retrievemedia.asp?Media_ID=36290, accessed on 10 April 2011.

Schloenhardt, Andrea. (23 October 2009) 'Mail-Order Brides' in Australia' Human Trafficking Working Group, The University of Queensland TC Beirne School of Law, www.law.uq.edu/humantrafficking, accessed on 9 February 2011.

Stepnitz, Abigail (2009) 'Male-ordered: the Mail-order Bride Industry and Trafficking in Women for Sexual and Labour Exploitation' The POPPY Project, Eaves Housing for Women, www.eaves4women.co.uk, accessed on 10 February 2011.



Tinning, Beth. 'Working with the family law sector – exploring domestic violence as a form of 'coercive controlling violence' Australian Domestic & Family Violence Clearinghouse Newsletter 40 (Autumn 2010) p. 3-5, citing Johnston, J. 'Strategies for resolving inter-professional differences in understanding and responding to family violence to improve outcomes for families: lessons learned from Wingspread Conference,' workshop presented at Family Relationships Services Australia 2009 Conference, Sydney, 24 November (2009).

Walker-Nthenda, Zione and Pourasgheri, Eila, and Fletcher, Joanna. 'Submission, Family Law Amendment (Family Violence) Bill 2010' (January 2011) Women's Legal Service Victoria.

'Women's Aid, the survivor's handbook' available at <http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=000100010008000100350002>, accessed on 11 April 2011.

Wright-Howie, David. 'Introduction: Homelessness and Children' Parity, Homelessness and Children (September 2008) Vol. 21 Issue 8 p. 6-7.

